

Board of Zoning Adjustment

Staff Report

February 18, 2019



Case No:	19VARIANCE1001 & 18WAIVER1053
Project Name:	Churchill Downs Entry Gate Sign
Location:	3100 S 4 th Street
Owner(s):	AQ Properties LLC
Applicant:	Ashley Bartley, Qk4
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST

- **Variance**
 1. Land Development Code table 8.3.2 to allow signs in the Campus form district to exceed the allowed square footage
- **Waivers**
 1. Land Development Code table 8.3.2 to allow the number of signs per façade to exceed what is permitted in the Campus form district
 2. Land Development Code section 8.2.1.D.4.b to allow a changing image panel in the Campus form district to exceed 60% of the area of a sign

Location	Requirement	Request	Variance
Front Façade	175sf plus 5% of façade area over 1,000sf = 188sf	339 sf	151sf

CASE SUMMARY/BACKGROUND

The subject property is located at the intersection of South 4th Street and Central Avenue. The property is currently vacant, and was previously a bank which has been demolished. The applicant proposes to build an entry gate/ticket booth, including an attached semi-circular wall structure featuring four signs. The signs are one changing image sign, two back lit logo signs, and a back lit, lettered “Churchill Downs” sign. The semi-circular wall will face the intersection of Central Avenue and South 4th Street.

LDC table 8.3.2 limits the square footage of the signs on the façade to 175 square feet plus 5% of the façade area over 1,000 square feet. The total square footage of the signs proposed exceeds this requirement by 151 square feet. The applicant requests a variance from this provision.

LDC table 8.3.2 limits the total number of attached signs per façade in the Campus form district to three (3). The applicant’s sign proposal includes four (4) signs: the changing image sign, the two static logo signs, and the back lit lettering sign. The applicant requests a waiver from this section.

LDC section 8.3.1.D.4.b requires a changing image panel in the Campus form district to comprise no more than 60% of the area of a sign. The changing image panel of the proposed sign covers 100% of the area of the sign. The applicant requests a waiver from this section.

STAFF FINDINGS

Staff finds that the requested variance and waivers are adequately justified and meet the standard of review.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.2 TO ALLOW A SIGN IN THE CAMPUS FORM DISTRICT TO EXCEED THE ALLOWED SQUARE FOOTAGE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the signs are located in a commercial area near other large sports complexes (the UofL baseball and football stadiums) where one might expect to see large signs. Only one of the signs is a changing image sign and the others are back lit. The applicant has stated that the changing image sign will comply with the requirements regarding rate of image change (one image every 20 seconds) and lighting intensity, including dimming.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as there are other lettered signs in the vicinity and Churchill Downs is a significant local establishment where one might expect to see large signs.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the applicant has stated that the proposed signs will comply with regulations for the rate of image change as well as lighting intensity.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the signs will comply with sign standards including light intensity and rate of change.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because Churchill Downs is a local landmark where one might expect to see larger signs.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the sign will be part of the Churchill Downs facility, a local landmark where one might expect to see a large sign. Additionally, restrictions regarding light intensity and rate of image change should ensure that there are no safety issues.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 8.3.2 TO ALLOW THE NUMBER OF SIGNS PER FAÇADE TO EXCEED WHAT IS PERMITTED IN THE CAMPUS FORM DISTRICT

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as all of the properties within sign of the signs are zoned or used commercially, so there are no residentially used properties which would be affected.

- (b) The waiver will not violate specific guidelines of Plan 2040.

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040. Guideline 3 describes signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures whenever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern.

These signs are compatible with the Churchill Downs site as a whole. The signs will most likely not pose a hazard to motor vehicle safety, as they will comply with rate of change and light intensity standards. The signs are integrated with the proposed structural wall to be built on this corner. There are no historic districts, parkways, scenic corridors, design review districts or other special areas of concern near this site.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site is part of the larger Churchill Downs site, where one might expect to see numerous signs announcing arrival at this local landmark.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the site is part of the larger Churchill Downs site, where one might expect to see numerous signs announcing this local landmark.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 8.3.1.D.4.a TO ALLOW A CHANGING IMAGE PANEL IN THE CAMPUS FORM DISTRICT TO EXCEED 60% OF THE AREA OF A SIGN

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as all of the properties within sign of the signs are zoned or used commercially, so there are no residentially used properties which would be affected.

- (b) The waiver will not violate specific guidelines of Plan 2040.

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures whenever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern.

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STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site is part of the larger Churchill Downs site, where one might expect to see a changing image sign.

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 (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
 (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the site is part of the Churchill Downs site, where one might expect to see a changing image sign.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Waivers**

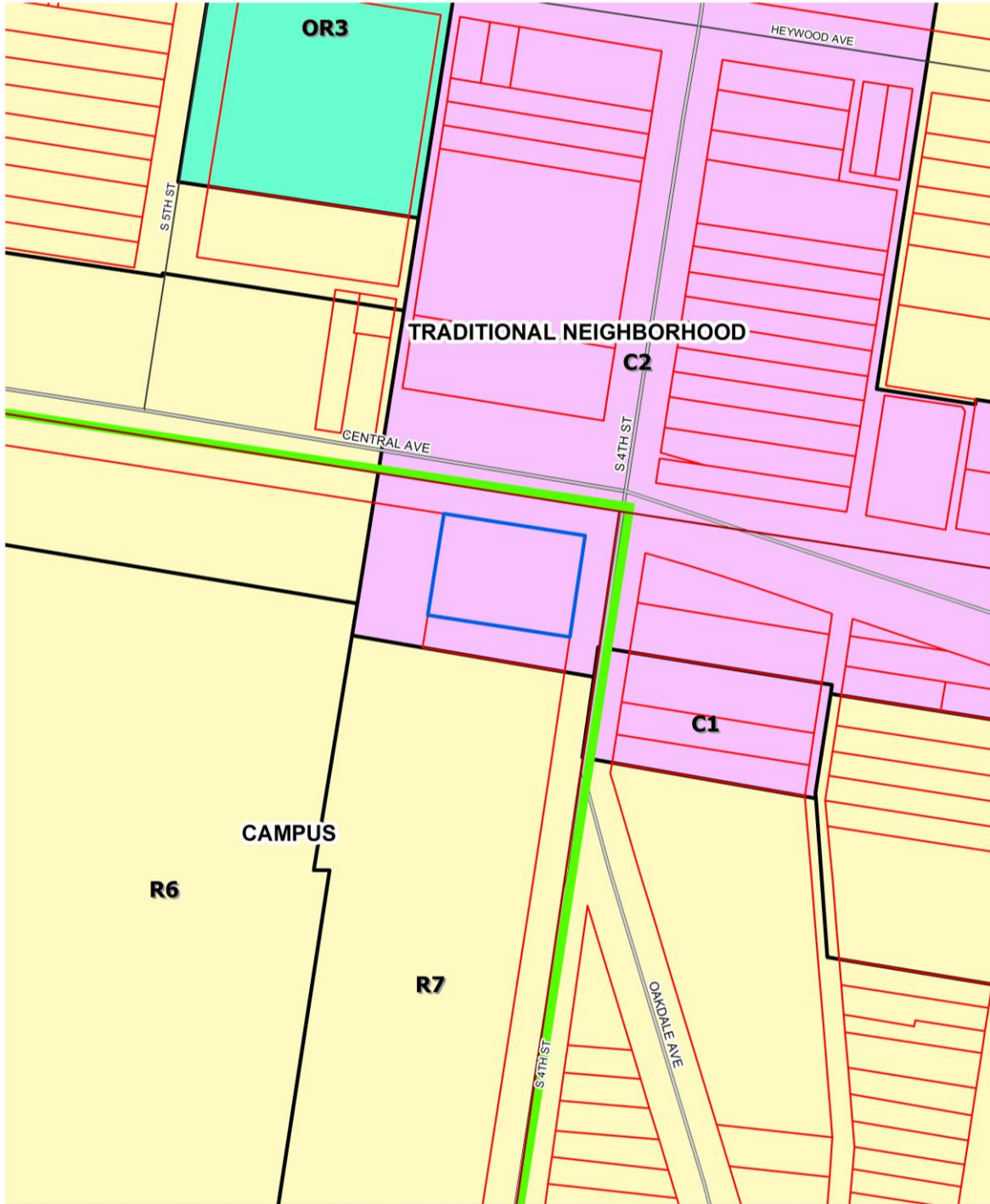
NOTIFICATION

Date	Purpose of Notice	Recipients
2-18-2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 15

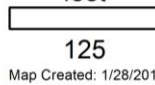
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



3100 S 4th STREET
feet

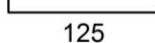


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2. Aerial Photograph



3100 S 4th STREET
feet



125
Map Created: 1/28/2019



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